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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,057	04/14/2004	Michael C. Van Zandt	03-334-A	8007
20306 7590 04/28/2008 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER				
BARKER, MICHAEL P				
ART UNIT		PAPER NUMBER		
1626				
MAIL DATE		DELIVERY MODE		
04/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/824,057

**Applicant(s)**

VAN ZANDT ET AL.

**Examiner**

MICHAEL P. BARKER

**Art Unit**

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/24/2008, Amd. After Non-Fin.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 10-12, 20 and 21 is/are rejected.  
7) ☒ Claim(s) 9, 13-19 and 22 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

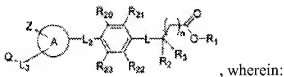
### DETAILED ACTION

**Claims 1-22** are pending in this Application.

#### *Response to Remarks*

Applicant's amendments to **Claims 1-4, 6-9, 11, 12, 14-16, 18, 19, and 22** in the reply filed 01/24/2008 are acknowledged. Applicant's amendments were made pursuant to the Restriction Requirement of claims to a particular scope. The prosecution of any of the deleted subject matter may be pursued in a Divisional Application. The Restriction Requirement is deemed proper and made final.

Applicant has not amended the definitions of **L** and **Z** to conform with the scope of compounds set forth in the Office Action filed 10/24/2007:



- **L** is  $-\text{SO}_2\text{NH}-$  or  $\text{SO}_2\text{N}(\text{C}_1\text{-C}_4)\text{alkyl}$ ;
- **L<sub>2</sub>** is a bond;
- **L<sub>3</sub>** is a bond;
- **A** is as defined, except phenyl or naphthyl;
- **Q** is as defined, except  $\text{C}_1\text{-C}_6$  alkyl, halogen, haloalkoxy, or alkoxy carbonyl; and
- **Z** is phenyl.

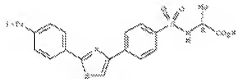
The remaining subject matter, not drawn to the scope of compounds set out above, is withdrawn from further consideration.

***Claim Rejections*****102(b)**

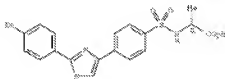
the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-8, 10-12, 20, and 21** are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Publication No. WO 01/83461 A1, published 11/08/2001, which discloses the following compounds [from STN CAPLUS (Accession Number 2001:916648 CAPLUS), with registry number]:

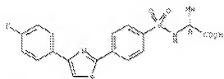
846 3750097-79-5 CAPLUS



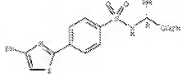
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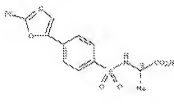
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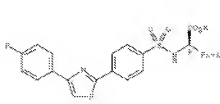
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847 3750097-55-8 CAPLUS

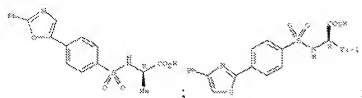


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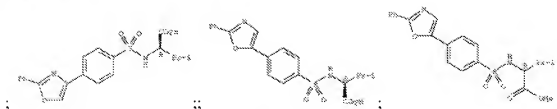
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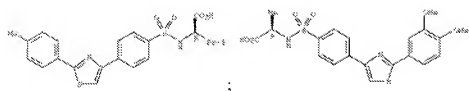
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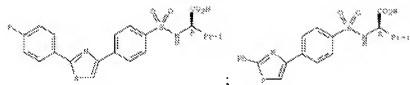
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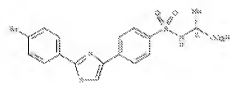


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RN 370597-52-5 CAPLUS



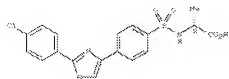
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RN 370597-73-2

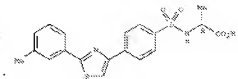
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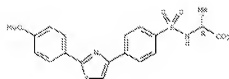
CAPLUS



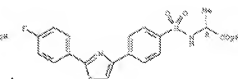
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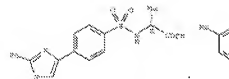
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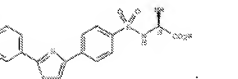
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RN 370597-66-2 CAPLUS



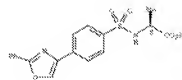
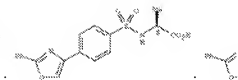
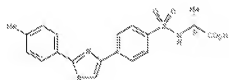
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RN 370597-65-8 CAPLUS

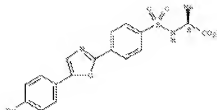


RN 370597-65-5 CAPLUS



**Claims 1-8, 10-12, 20, and 21** are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Publication No. WO 2002028844 A1, published 04/10/2002 (equivalent: U.S. Patent

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No. 6,949,566). The anticipating compounds, i.e. , are too numerous to list individually.

### ***Objections***

- **Claim 1**, p. 3, lines 25-27: The term “naphthyl” is deleted in line 25 but omitted included in line 27.
- **Claims 1-22**: Objected to as they are drawn to nonelected subject matter. These claims stand or fall based on the amendments made to **Claim 1**.
- **Claims 9, 13-19, and 22**: Objected to as they depend from a rejected base claim.

### ***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Barker whose telephone number is (571) 272-4341. The examiner can normally be reached on Monday-Friday 8:00 AM- 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699. The unofficial fax phone for this group are (571) 273-8300.

/Michael P Barker/  
Examiner, Art Unit 1626  
/Rebecca L Anderson/  
Primary Examiner, Art Unit 1626